THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.156 of 1997

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring that the petitioners are entitled for promotion to the higher cadre as per their respective qualifications by holding the action of the respondents in appointing third respondent as Junior Accountant instead of Typist vide impugned proceedings No.C3/2308/88 dated 30.12.1996 issued by the first respondent as arbitrary and illegal.

It appears, all the petitioners were appointed as Attenders through proceedings dated 29.4.1986 and the first respondent vide proceedings dated 7.1.1987 has fixed the time scale of petitioners at Rs.290-425 with effect from 1.12.1986 and subsequently, their services were regularized through proceedings dated 19.2.1991 and probation was also declared with effect from 30.11.1988. While that being so, the third respondent who hails from the category of Typist, his services were regularized in the category of Junior Accountant. According to the petitioners, third respondent is not entitled for being promoted to the post of Junior Accountant and he is entitled to be considered only in the category of Typist. All the petitioners are eligible for being promoted to the post of Junior Accountants. Thus, the petitioners were denied of their promotion to the post of Junior Accountant. Hence the writ petition.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners. It is asserted that the services of Junior

Accountants, Typists, Drivers and Attenders were regularized in pursuance to various writ petitions filed by them, therefore, the petitioners cannot question the appointment of such persons nor compare their service conditions with others. The claim of the petitioners is that they are entitled for being appointed as Junior Accountants/Junior Assistants/Typists and in fact they are not entitled for being promoted to the said posts automatically. The District Society has got two wings – one is administrative and other is engineering. An Attender can be considered for promotion to the next higher cadre i.e. Record Assistant only and not for any other post, therefore, the writ petition is devoid of merits and liable to be dismissed.

The petitioners filed reply stating that it is not true that each establishment has its own service rules and in fact common byelaws are provided for service conditions of both wings. It is not correct that as per circular dated 12.1.1999, Attender can be considered for promotion to the next higher cadre i.e. Record Assistant only. As per Annexure-II of Rule 17 of byelaws, the category of Attender was included in the feeder categories of Category No.VII for making promotions to the post of Junior Assistant which included in category No.VI. The learned counsel for the petitioners contended that the petitioners are entitled for being promoted to the post of Junior Assistant from the category of Attender.

The learned counsel for respondents reiterated the stand taken in the counter affidavit and submitted that the question of petitioners being eligible for being promoted to the post of Junior Assistant/Junior Accountant directly does

not arise.

Be that as it may, the third respondent was appointed as Junior Accountant from the category of Typist. This appointment seems to be in pursuance to the orders passed by this Court in various writ petitions as mentioned in the counter affidavit. Therefore, the contention of the learned counsel for petitioners that the petitioners are also entitled for promotion on par with third respondent is incorrect. The third respondent seems to have been appointed on merits. The petitioners cannot compare themselves with third respondent.

However, since it is asserted in the reply affidavit that the petitioners are entitled for promotion to the post of Junior Assistant/Junior Accountant as per Annexure-II to Rule 17 of the byelaws, the respondents are directed to consider the case of the petitioners for promotion to the post of Junior Accountant or any other suitable post as per their qualifications in the existing or future vacancies as per the byelaws of the society.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 17.1.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.156 of 1997

17.1.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.156 of 1997

Date: 17th January, 2006

Between:

S.Shankaraiah & others.

.. Petitioners

And

The District Collector/Chairman,
District Scheduled Castes Service
Coop. Society Ltd., Karimnagar & others.

.. Respondents